

DEC. 1, 2004, 2:53PM

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NO. 1748 P. 1

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FACSIMILE TRANSMISSION

Total # of Pages **9** (including this page)

TO:	PHONE #:	FAX #:
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From : David P. Lentini
Date : December 1, 2004
Client/Matter No : 048331-1707
USSN : 10/813,693
Filing Date : 10/7/2003
Examiner : Unknown
User ID No : 4113

OFFICIAL

Transmitted herewith for filing in the above-referenced application are the following.

- 1) Transmittal of Missing Parts (3 pages);
- 2) Notice to File Missing Parts (2 pages); and
- 3) Declaration (3 pages).

If there are any problems with this transmission or if you have not received all of the pages, please call (858) 847-6756.

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NO. 1748 P. 2

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Atty. Dkt. No. 048331-1707

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tabor, et al.

Title: ISOTHERMAL AMPLIFICATION
OF DNA

Appl. No.: 10/813,693

Filing Date: 10/7/2003

Examiner: Unknown

Art Unit: Unknown

<p>CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p>Line Gaffthier (Printed Name)</p> <p><i>Line Gaffthier</i> (Signature)</p> <p>December 1, 2004 (Date of Deposit)</p>

**TRANSMITTAL OF MISSING PARTS
OF PATENT APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed August 5, 2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

- ☒ Declaration and Power of Attorney (3 pages)
- ☒ Return Copy of Notice to File Missing Parts (2 pages)
- ☒ Sequence Listing: Please refer to parent application Serial Number 09/480,878, which contains a paper copy and diskette of same sequence listing.
- ☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
 - ☒ Extension for response filed within the second month

-1-

023.263163.1

Atty. Dkt. No. 048331-1707

The filing fee is calculated below:

Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee As of 11/7/2003			\$770.00	\$770.00
Total Claims:	3 - 20 = 0	x	\$18.00 =	\$0.00
Independ ents:	3 - 3 = 0	x	\$88.00 =	\$0.00
If any Multiple Dependent Claim(s) present:			+	\$300.00 =
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration			+	\$130.00 =
[X] Extension fee for response filed within the second month:			+	\$430.00 =
			SUBTOTAL:	= \$1,330.00
[X] Small Entity Fees Apply (subtract 1/2 of above):			=	\$665.00
			TOTAL FILING FEE:	= \$665.00
			TOTAL FEE ALREADY PAID	= \$900.00
Difference to be credited to deposit account:			- \$900.00 -	\$235.00

Upon filing of the application, Applicant stated that the \$900.00 in total fees (\$770.00 plus \$130.00 for late fee) would be paid in response to a Notice to File Missing Parts. No authorization to charge the Deposit Account was given. Nonetheless, according to the Filing Receipt and Notice to File Missing Parts, the fees were debited from the Deposit Account without authorization. Further, Applicant is a Small Entity and was a Small Entity when the fee was charged without authorization. Thus the fees debited from the Deposited Account without authorization were in excess of those required.


Atty. Dkt. No. 048331-1707

The U.S. Patent Office owes Applicant **\$235.00** as shown above. Please **CREDIT**
Deposit Account No. 50-0872 in the amount of **\$235.00**.

Date December 1, 2004

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (415) 438-6454
Facsimile: (415) 434-4507

Respectfully submitted,

By 

David P. Lentini
Attorney for Applicant
Registration No. 33,944



UNITED STATES PATENT AND TRADEMARK OFFICE:

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1419
 Alexandria, Virginia 22313-1419
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/813,693	11/07/2003	Tabor	048331-1707

Wesley B. Ames
 FOLEY & LARDNER
 P.O. Box 80278
 San Diego, CA 92138-0278

CONFIRMATION NO. 4141

FORMALITIES LETTER

OC000000013430283

Date Mailed: 08/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

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patin21help@uspto.gov or patin3help@uspto.gov

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~~Initial Patent Examination Division (703) 308-1202~~

PART 2 - COPY TO BE RETURNED WITH RESPONSE